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HOUSE BILL 1306

**43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997**

INTRODUCED BY

GAIL C. BEAM

AN ACT

RELATING TO UNIVERSITY RESEARCH PARKS; EXPANDING THE SCOPE OF UNIVERSITY RESEARCH PARKS TO INCLUDE UTILITY AND HEALTH CARE FACILITIES AND EXPANDING THE PURPOSES TO INCLUDE THE ADVANCEMENT OF CONSERVATION AND HEALTH CARE; AMENDING CERTAIN SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-28-2 NMSA 1978 (being Laws 1989, Chapter 264, Section 2) is amended to read:

"21-28-2. RESEARCH PARK--PURPOSE.--The purpose of the University Research Park Act is to promote the public welfare and prosperity of the people of New Mexico and foster economic development within the state by forging links between the state's educational institutions, business and industrial communities and government through the development of research parks on university real property and through other cooperative ventures of innovative technological significance

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1 [which] that will advance education, science, research, conservation, health care or  
2 economic development within the state."

3 Section 2. Section 21-28-3 NMSA 1978 (being Laws 1989, Chapter 264,  
4 Section 3) is amended to read:

5 "21-28-3. DEFINITIONS.--As used in the University Research Park Act:

6 A. "bond" or "bonds" means any bond, note or other evidence of  
7 indebtedness;

8 B. "regents" means the board of regents of a university;

9 C. "research park" means research and development facilities,  
10 research institutes, testing laboratories, offices, light manufacturing, utility facilities,  
11 health care facilities, businesses and government installations and similar facilities,  
12 together with land, including all necessary appurtenances, rights and franchises  
13 acquired, constructed and developed by a university or under its authority [which]  
14 that are suitable or necessary to promote the social welfare of the state of New  
15 Mexico through the advancement of education, science, research, conservation,  
16 health care, economic development and related purposes;

17 D. "research park corporation" means any corporation formed  
18 pursuant to the provisions of the University Research Park Act;

19 E. "technological innovations" means research, development,  
20 prototype assembly, manufacture, patenting, licensing, marketing and sale of  
21 inventions, ideas, practices, applications, processes, machines, technology and  
22 related property rights of all kinds; and

23 F. "university" means a New Mexico educational institution  
24 established pursuant to the provisions of Article 12, Section 11 of the constitution of  
25 New Mexico."

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1 Section 3. Section 21-28-6 NMSA 1978 (being Laws 1989, Chapter 264,  
2 Section 6) is amended to read:

3 "21-28-6. POWERS OF RESEARCH PARK CORPORATION.--A research  
4 park corporation shall have all the powers necessary and convenient to carry out  
5 and effectuate the provisions of the University Research Park Act, including but not  
6 limited to the power to:

7 A. [to] approve or disapprove [research] proposals;

8 B. [to] sue and be sued in its corporate name;

9 C. [to] purchase, take, receive or otherwise acquire, own, hold, use  
10 and otherwise deal in and with real property or personal property, including  
11 intangible personal property and intellectual property and technological innovations  
12 or any interest therein;

13 D. [to] sell, convey, pledge, exchange, transfer and otherwise  
14 dispose of all or any part of any of its assets and properties for such consideration  
15 upon such terms and conditions as the corporation shall determine; provided that  
16 any sale, conveyance, pledge, exchange, transfer or disposal of any real property  
17 interest by a research park corporation shall be made in accordance with the provi-  
18 sions of Section 13-6-2 NMSA 1978;

19 E. [to] make contracts, incur liabilities and borrow money at such  
20 rates of interest as the research park corporation may determine;

21 F. [to] make and execute all contracts, agreements and instruments  
22 necessary or convenient in the exercise of the powers and functions of the  
23 corporation granted by [~~this~~] the University Research Park Act;

24 G. [to] receive and administer grants, contracts and private gifts;

25 H. [to] invest and reinvest its funds;

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I. [tø] conduct its activities, carry on its operations, have offices and exercise the powers granted by the University Research Park Act;

J. [tø] make and alter bylaws, not inconsistent with the University Research Park Act, for the administration and regulation of the affairs of research park corporations, and such bylaws may contain provisions indemnifying any person who is or was a director, officer, employee or agent of the corporation;

K. [tø] employ such officers and employees as it deems necessary, set their compensation and prescribe their duties;

L. [tø] enter into agreements with insurance carriers to insure against any loss in connection with its operations;

M. [tø] authorize retirement programs and other benefits for salaried officers and employees of the research park corporation;

N. [tø] employ fiscal consultants, attorneys and such other consultants and employees as may be required in its judgment and to fix and pay their compensation;

O. [tø] acquire, hold and dispose of intellectual property and technological innovations and enter into license agreements and contracts involving intellectual property and technological innovations such as patents, copyrights, franchises, trademarks and matters related thereto; and

P. [tø] do all things authorized by law not inconsistent with the provisions of the University Research Park Act."

Section 4. Section 21-28-7 NMSA 1978 (being Laws 1989, Chapter 264, Section 7, as amended) is amended to read:

"21-28-7. LIMITATIONS ON APPLICATION OF LAWS.--Except as provided in this section, a research park corporation shall not be deemed an agency

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1 or public body or other political subdivision of the state, including for purposes of  
2 applying statutes and laws relating to personnel, procurement of goods and services,  
3 meetings of the board of directors, gross receipts tax, disposition or acquisition of  
4 real or personal property, capital outlays, per diem and mileage and inspection of  
5 records. A research park corporation shall be deemed an agency or other political  
6 subdivision of the state for purposes of applying statutes and laws relating to the  
7 furnishing of goods and services to the university that operates it, the risk  
8 management fund, and a research park corporation, its officers, directors and  
9 employees shall be granted immunity from liability for any tort as provided in the  
10 Tort Claims Act. A research park corporation may also enter into agreements with  
11 insurance carriers to insure against any loss in connection with its operations even  
12 though the loss may be included among losses covered by the risk management  
13 fund of the state."

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 6, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
been referred

HOUSE BILL 1306

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
JUDICIARY COMMITTEE.

Respectfully submitted,

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Fred Luna, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HBI C/HB 1306

Page 7

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- 2
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Getty, Gubbels, Kissner

Absent: None

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# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 19, 1997**

**Mr. Speaker:**

**Your JUDICIARY COMMITTEE, to whom has been referred**

**HOUSE BILL 1306**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

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**Thomas P. Foy, Chairman**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Alwin, M P. Garcia, King, Mallory, Rios

Absent: None

M \H1306

Underscored material = new  
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